IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

MONDAY, THE 30TH JULY 2007 / 8TH SRAVANA 1929

WP(C).No. 4156 of 2004(T)

---

PETITIONER:

---

K.K.MUHAMMED, RETD.DEPUTY CHIEF ENGINEER
RESIDING AT KALLUPURAKKAL HOUSE,
THRIKKAKARA NORTH VILLAGE, KANAYANNUR TALUK.

BY ADV. SRI.A.N.KUTTAN

RESPONDENTS:

---

1. THE STATE OF KERALA REPRESENTED BY THE CHIEF SECRETARY, GOVERNMENT OF KERALA, THIRUVANANTHAPURAM.

2. THE REVENUE DIVISIONAL OFFICER, KOCHI.

3. B.H.MUHAMMAD KUNNJU, THAIKAVU UNICHIRA, THRIKKAKARA NORTH VILLAGE, KANAYANNUR TALUK.

4. ABDUL SATHAR OF DO. DO.

5. V.SUBAIR OF DO. DO.

6. M.T.SIVAN, COUNCILLOR, WARD 23, KALAMASSERY MUNICIPALITY, SOBHA NIVAS, MOOLEPPADAM, KALAMASSERY P.O., KOCHI-683106.

BY GOVT.PLEADER SRI.MANOJ

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P(C)No. 4156 /2004

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1. MEMO DATED 28-12-2002 ISSUED BY THE 2ND RESPONDENT.

EXT.P2. REPRESENTATION OF THE PETITIONER DATED 26-3-2003

EXT.P3. MAP OF THE PROPERTY

EXT.P4. JUDGMENT DATED 6-6-2003 IN O.P.12946/2003 OF THE HON'BLE HIGH COURT OF KERALA

EXT.P5. ORDER DATED 11-12-2003 OF THE 2ND RESPONDENT.

EXT.P6. LETTER DATED 28-12-2002 OF THE WARD MEMBER TO THE 2ND RESPONDENT.

/ TRUE COPY /

P.S.TO JUDGE

**KURIAN JOSEPH, J.**

**----------**

**W.P(C)No. 4156 of 2004**

**----------**

**Dated this the 30th day of July, 2007**

**JUDGMENT**

The writ petition is filed with the following prayers:-

> (A) issue a writ of certiorari or other appropriate writ, order or direction quashing the orders referred to as Exts.P1 and P6.
>
> (B) issue a writ of mandamus or other appropriate writ, order or direction restraining the respondents from interfering with the rights of the petitioner in the user and enjoyment of his property in accordance with the law of the land.
>
> (C) declare that the petitioner is entitled to claim compensation from respondents 1 and 2 for the damage caused to him by the illegal proceedings of the 2nd respondent referred to as Exts.P1 and P6.

It is for the petitioner, if still aggrieved, to move the second respondent for appropriate clarification in which case the matter will be considered by the second respondent with notice to the petitioner and respondents 3 to 6 and the Municipality and appropriate orders in accordance with law in the matter will be passed thereon within another three months.

The writ petition is disposed of as above.

(KURIAN JOSEPH, JUDGE)

ahg.